UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,607	06/29/2001	Janne Petri Rinne	442-010429-US(PAR)	7208

7590	09/10/2004

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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/896,607	RINNE ET AL.
	Examiner	**Art Unit**
	Jude J Jean-Gilles	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 June 2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on <u>29 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892) o

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 06/29/2001.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-8 are rejected under 35 U.S.C. 102(e) as being unpatentable by

Jackowski et al (U.S. 6,141,686).

Regarding claim 1: Jackowski et al teach a method for applying a certain

Quality of Service (QoS) to a data stream (fig. 11, QoS Priority Query; column 9,

lines 44-49) communicating data over a sockets connection wherein the method

comprises:

providing a uniquely identifiable identifier (UID, Stream Type) to at least

one of the application and the data stream from or to the application (column 10,

lines 58-62), and

associating said identifier (UID, Stream Type) with a particular QoS in

order to apply the particular QoS to said at least one of the particular application

and the particular data stream, which application or data stream is identified by

the identifier (column 15, lines 35-43; Note that the QoS here is expressed in finding the bandwidth, reading all historical table information and making necessary comparison to prioritize data transmission).

Regarding claim 2: Jackowski et al teach a method according to claim 1, wherein the method comprises transferring the identifier (UID, Stream Type) over the sockets connection (column 11, lines 5-11; Note that "the consolidator already has the association of the unique Process ID to the application before any socket takes place").

Regarding claim 3: Jackowski et al teach a method according to claim 1, wherein the method further comprises:

providing a socket application program interface to the application (fig. 5, items 32, 34; column 7, lines 58-65),

establishing a socket for transfer of the data stream (fig. 5, item 34; column 9, lines 46-49), and

transferring the identifier (UID, Stream Type) over the socket application program interface to uniquely identify said at least one of the particular application and the particular data stream, which application or data stream is identified by the identifier, in order apply the particular QoS to the data stream being communicated over the sockets connection (column 11, lines 6-8).

Regarding claim 4: Jackowski et al teach a device (fig. 11, items 18, 10;

The device here is represented by the priority server 18 or client server 10 sitting

on its own device whereas the invention discloses both client and server seating

on the same device. It is inherent in the computer art to have both server and

client software residing on the same device) comprising:

an application program for executing a particular application (column 10,

lines 5-9; fig. 4, items 52 and 32; Note that the plugin here is a small program

used to activate an application), and

means for communicating data over a sockets connection (column 9, lines

46-49), wherein the device further comprises

means for providing a uniquely identifiable identifier (UID, Stream Type) to

at least one of the application and the data from or to the application (column 10,

lines 58-62), and

means for associating said identifier (UID, Stream Type) with a particular

QoS in order to apply the particular QoS to said at least one of the particular

application and the particular data, which application or data is identified by the

identifier (column 15, lines 35-43; Note that the QoS here is expressed in finding

the bandwidth, reading all historical table information and making necessary

comparison to prioritize data transmission).

Regarding claim 5: Jackowski et al teach a device (fig. 11, items 18, 10;

The device here is represented by the priority server 18 or client server 10 sitting

on its own device whereas the invention discloses both client and server seating

on the same device. It is inherent in the computer art to have both server and

client software residing on the same device) comprising:

an application program for executing a particular application (column 10,

lines 5-9; fig. 4, items 52 and 32; Note that the plugin here is a small program

used to activate an application), and

means for communicating data over a sockets connection (column 9, lines

46-49), wherein the device further comprises

means for associating a centrally defined identifier (UID, Stream Type;

Note that the centrally defined identifier is equivalent to a Uniquely Defined

Identifier), which identifies at least one of the application and the data from or to

the application, with a particular QoS in order to apply the particular QoS to said

at least one of the particular application and the particular data, which application

or data is identified by the identifier (column 15, lines 35-43; Note that the QoS

here is expressed in finding the bandwidth, reading all historical table information

and making necessary comparison to prioritize data transmission; and that the

centrally defined identifier is a unique identifier as well).

Regarding claim 6: Jackowski et al teach a device (fig. 11, items 18, 10;
The device here is represented by the priority server 18 or client server 10 sitting
on its own device whereas the invention discloses both client and server seating
on the same device. It is inherent in the computer art to have both server and
client software residing on the same device) according to claim 4 or 5, wherein
the device further comprises

means for providing a socket application program interface to the
application (fig. 5, items 32, 34; column 7, lines 58-65),

means for establishing a socket for transfer of the data (fig. 5, item 34;
column 9, lines 46-49), and

means for transferring the identifier (UID, Stream Type) over the socket
application program interface to uniquely identify said at least one of the
particular application and the particular data, which application or data is
identified by the identifier, in order apply the particular QoS to the data being
communicated over the sockets connection (column 11, lines 6-8).

Regarding claim 7: Jackowski et al teach a computer program product for
an electronic device having an application to communicate data over a sockets
connection, wherein in that the computer program product comprises:

computer program means for providing a uniquely identifiable identifier
(UID, Stream Type) to at least one of the application and the data from or to the
application (column 10, lines 58-62), and

computer program means for associating said identifier (UID, Stream

Type) with a particular QoS in order to apply the particular QoS to said at least

one of the particular application and the particular data, which application or data

is identified by the identifier (column 15, lines 35-43; Note that the QoS here is

expressed in "finding the bandwidth, reading all historical table information and

making necessary comparison to prioritize data transmission"; and that the

computer program means is equivalent to the software method discussed in

claim 1).

Regarding claim 8: Jackowski et al teach a computer program product

according to claim 7, wherein the computer program product further comprises:

computer program means for providing a socket application program

interface to the application (fig. 5, items 32, 34; column 7, lines 58-65) ,

computer program means for establishing a socket for transfer of the data

(fig. 5, item 34; column 9, lines 46-49), and

computer program means for transferring the identifier (UID, Stream Type)

over the socket application program interface to uniquely identify said at least

one of the particular application and the particular data, which application or data

is identified by the identifier, in order apply the particular QoS to the data being

communicated over the sockets connection (column 11, lines 6-8; and that the

computer program means here is equivalent to the software method discussed

in claim 3).

Conclusion

3.   Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (703) 305-0269. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

September 01, 2004

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER